

REMARKS

Claims 1-29, 31-41, 44-70 and 78-83 were pending. Claims 2, 6-8, 10, 11, 15-20, 22-27, 29, 31, 32, 46, 52-54, 56, 57, and 78-83 have been cancelled. Claims 1, 3, 4, 9, 12, 21, 44, 45, 47, 55, 58-61, 65, and 68-70 have been amended. Therefore, claims 1, 3-5, 9, 12-14, 21, 28, 33-41, 44, 45, 47-51, 55, and 58-70 are currently pending.

No new matter has been added. Claims 1, 3, 4, 9, 12, 21, 44, 45, 47, 55, 58-61, 65, and 68-70 have been amended to clarify the invention. Claims 1 and 45 were amended to remove non-elected subject matter.

Applicants note with appreciation that the 35 U.S.C. § 112, second paragraph rejection of claims 1-5, 9, 12-14, 19-21, 28, 33-39, 44-51, 54, 55, and 58-70 has been withdrawn. Applicants also note with appreciation that the Examiner has withdrawn the rejection of claims 1-5, 9, 12-14, 19, 33-37, and 39-41 under 35 U.S.C. § 102(a) over Armson *et al.* Applicants gratefully acknowledge the Examiner's indication that claims 20, 21, 28, 55 and 58 are directed to allowable subject matter.

Rejection of Claims 1-5, 9, 12-14, 19, 33-41, 44-51, 54, and 59-70 under 35 U.S.C. § 103(a)

Claims 1-5, 9, 12-14, 19, 33-41, 44-51, 54, and 59-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Armson *et al.* Claims 2, 19, 46, and 54 have been canceled, thus rendering their rejection moot.

Claim 1 and its dependent claims are directed towards methods for controlling *Cryptosporidium parvum* in a mammal, by administering to said mammal an effective amount of a tetracycline compound of formula (I), wherein R⁹ is alkyl or alkenyl. Claim 45 and its dependent claims are directed to methods for method for treating a *Cryptosporidium parvum* related disorder in a mammal, comprising administering to said mammal an effective amount of a tetracycline compound of formula (I), wherein R⁹ is alkyl or alkenyl.

Armson *et al.* describes the use of a screening assay to find drugs which may be useful to treat infections of *Cryptosporidium parvum*. Although doxycycline was amongst the drugs screened by Armson *et al.*, doxycycline is not a compound of formula

(I), wherein R⁹ is alkyl or alkenyl. Armson *et al.* does not teach or suggest Applicants' claimed methods using tetracycline compounds of formula (I), wherein R⁹ is alkyl or alkenyl.

Therefore, Applicants respectfully request that this rejection of claims 1, 3-5, 9, 12-14, 33-41, 44, 45, 47-51, and 59-70, under 35 U.S.C. § 103(a) be withdrawn.

SUMMARY

Cancellation of and/or amendments to the claims should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejections. The cancellation of and/or amendments to the claims are being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

In view of the above remarks and amendments, it is believed that this application is in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the above-identified application, the Examiner is urged to call Elizabeth A. Hanley, Esq. at (617) 227-7400.

Date: July 21, 2004

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By Cynthia M. Soroos
Cynthia M. Soroos
Reg. No. 53,623
28 State Street
Boston, MA 02109
(617) 227-7400
(617) 742-4214